

HARRY THAW'S MOTHER'S STORY

She Broke Down While Telling of Her Son's Condition After Return From Paris.

CONSENTED TO HIS MARRIAGE

One Condition Was That Evelyn Nesbit's Past Must be a Closed Book for All Time.

New York, March 6.—Another dramatic chapter was added to the history of the trial of Harry K. Thaw for the murder of Stanford White today, when the defendant's mother took the witness stand to contribute what she might toward saving her son from the electric chair. Mrs. Thaw's story before the jury was brief. When Mr. Delmas had definitely limited her examination to the change she had noted in her son's condition following his return from Paris in 1903 after Evelyn Nesbit had told him her life story, and when Dist. Atty. Jerome had with great consideration conducted a short and ineffectual cross-examination, the mother love welled strong in Mrs. Thaw and she felt she had not done her all. She was loath to leave the witness chair.

"There is a question of heredity," she protested, when both Mr. Delmas and Mr. Jerome told her she might step down. "I have asked you, madame, all that is considered necessary," said Thaw's attorney with the utmost deference. Mrs. Thaw half rose, hesitated and was about to sit down again, when the leading counsel for the defense offered her his hand to assist her from the stand.

Twice during her recital Mrs. Thaw broke down and was unable to proceed. After a few moments Justice Fitzgerald asked her to continue. Mrs. Thaw, evidently much chastened that her great grief had overcome her strong will of resistance, nodded in assent. She declined a glass of water, made an effort to proceed, but failed. Justice Fitzgerald then interposed a relief for which the elderly woman gratefully accepted. He said that as many of her remarks had been uttered in a very low voice, it would be necessary to have the stenographer read her testimony up to that time to the jury.

When the reading was ended, Mrs. Thaw had regained her composure and was able to proceed. She said that when Harry came home in 1903 he seemed depressed and apparently had lost all interest in life. He passed sleepless nights; would often leave the table at meals and go into the parlor to play upon the piano, the music growing softer and softer until it finally died away.

"He told me a wicked man—probably the wickedest man in all New York—had ruined his life," she said. "It was not until some time after he had offered this explanation of the change in him that I learned the story of the young woman who was to become her daughter-in-law."

Mrs. Thaw told of her son breaking down in a Pittsburgh church and explaining that it was because of the sorrow which prevailed the young woman he loved being at his side. Mrs. Thaw told of coming to New York to meet Evelyn Nesbit and of giving her to her son's marriage—the one condition being that the girl's past life in New York should be a closed book, never to be referred to in any way. Then came the story of the marriage in Pittsburgh in April, 1905, the honeymoon trip and then a happy, placid summer spent at the mother's country home in the mountains. Mr. Delmas ended her testimony abruptly. The district attorney was taken by surprise and began to cross-examine Mrs. Thaw in a very low voice. He asked questions surrounding the son's allowance, but Mr. Delmas objected. He asked what the son's income amounted to. Mrs. Thaw said it was moderate and nothing like the sum the newspapers have so often reported. Mr. Jerome next treaded upon what he must have felt the thinnest of ice, by asking her in the attitude of attempting to harness the pathetic figure in black on the witness stand. He asked the mother what she knew of her son's relations with Miss Nesbit before she became his wife.

"Nothing," she replied without hesitating. The district attorney seemed completely baffled and speedily brought his examination to a close. Mrs. Thaw's story was deeply impressive in its simplicity and brevity. Harry Thaw's fate is thrown into the hands of the 12 men in the jury-box who today heard the mother's story. It seems little doubt that the story told will carry wonderful weight. But Mr. Jerome gave the impression that he might use the mother's testimony as a weapon in establishing the son's right to have a commission appointed to test the present state of mind of the defendant. While the elder Mrs. Thaw was on the stand the district attorney engaged in a wordy war with Mr. Delmas, during which he uttered publicly for the first time the threat of a lunacy commission. Mr. Delmas was making the presumption of law that Thaw was insane in 1903 and was insane in 1904. This was to enable Mrs. Thaw to state conversations with her

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son in the latter part. These conversations were admissible only on the ground that they were the utterances of a person recently responsible. Mr. Jerome said there was no reason why the assumption should not continue down to the present, and if Mr. Delmas point was well taken the trial should be suspended and a commission appointed. Justice Fitzgerald upheld Mr. Delmas and said the question of a commission was not before the court. With the completion of the mother's testimony today Thaw's attorneys said they would have but two more witnesses—experts—who would be called upon to answer the newly-framed hypothetical question covering the entire case from beginning to end. These experts are said to be Doctors Greene, M. Hammond and Smith E. Jeffrie.

Harry Thaw, during his mother's stay upon the stand, seemed unusually pale and extremely nervous. At the end of Mrs. Thaw's examination court adjourned over until Friday morning, a death in Justice Fitzgerald's family causing an abandonment of the Thursday sitting.

MRS. THAW'S STORY.

Mrs. William Thaw was called to the stand immediately after court adjourned for the afternoon session. Clerk Penny had called the roll of the jury when Mr. Delmas whispered to him, and in a loud voice the clerk commanded:

"Mrs. William Thaw to the witness stand."

Mrs. Thaw appeared a moment later. She was still dressed in the same black frock in which she appeared the first day of the trial.

With head erect, and well thrown back she walked to the witness chair. She stopped at the corner of the jury box and the court clerk handed her the Bible. Clerk Penny administered the oath and Mrs. Thaw took her place in the chair the court clerk announced:

"Harriet Copley Thaw."

Harry Thaw was all interest. He sat facing his mother and seemed extremely nervous. He rested his cheek on his hand and bit his nails.

Mrs. Thaw repeated her name in response to a question by Mr. Delmas, speaking in a tone so low as hardly to be heard.

Mr. Delmas stood immediately at her left.

Mrs. Thaw said that in the fall and winter of 1903 she was living in Pittsburgh. Her son, Harry, came home, she said, on the 16th or 17th of November, a day or two before his brother Josiah's wedding.

"During the time your son Harry was at home did you notice anything unusual about his condition? Asked Mr. Delmas.

"I certainly did," replied Mrs. Thaw. "Will you please describe what took place?"

"The day when he first came to the door there was a look of absent-mindedness on his face. A despairing look."

"Did the impression of a change in your son grow on you?" asked Mr. Delmas.

"Yes. His room was next to mine. Often in the night I heard snoring and sobs. Sometimes when I was awake late at night I would see a light under his door and often found him sitting up at 3 o'clock in the morning."

"He told me he could not sleep, and there was no use going to bed. I asked him to tell me what the matter was. He said it was impossible to tell me his story."

"Did he at any time, in answer to your questions, freely tell you the story?"

"He told me freely one night when I insisted on it."

Mr. Jerome objected to the repetition of the story until Mr. Delmas stated that the time at which it was told was covered by the testimony of the alienists as a period when Thaw was insane.

Then Mr. Jerome withdrew his objection and allowed the witness to give the purport of the conversation.

"He told me the story," said Mrs. Thaw, "but not definitely. He said his troubles were caused by something a wicked man had done in New York. He said it had ruined his life, and he never could be happy. That was all I could get from him for a week."

Mrs. Thaw said Harry seemed absorbed, as if he was working with a great problem. He was very fond of music and often would leave the table and go into the parlor.

NEARLY BROKE DOWN.

Mrs. Thaw, as she told of her son's condition, almost broke down. "I would hear loud music upon the piano, which would gradually grow softer and softer. And he would come back to the table as if nothing had happened."

"The week before Thanksgiving I understood more. I did not know the girl's name. I did not ask for it. I did not want to know it, but I did know that his condition had something to do with a young girl. He had told me about the wicked man in New York, but it was only later that I found out that this man had ruined a young girl."

"After I found his condition was due to something which had been done to a young girl, I asked him why he should allow his life to be ruined."

"Harry said the girl had been neglected by her mother, or that she had not been properly educated. He said there was still a chance for her to be good. I can't recall all that he said."

JUDGE RELIEVES SITUATION.

To relieve the tense situation, Justice Fitzgerald ordered that all of Mrs. Thaw's testimony up to that point be a closed book. The man's name was never mentioned in his presence.

"I did not understand, madame, what you said about this defendant's remarks to you about Miss Nesbit's mother of being no help to him."

"He said she would not help him to raise the girl out of her condition."

After one or two unimportant questions Mr. Jerome closed his cross-examination.

"Is that all I am to say?" asked Mrs. Thaw.

Mr. Delmas said there was nothing more for her to say.

"If permissible, to say something about heredity," said Mrs. Thaw, rising in her seat and speaking earnestly.

In low voice Mr. Delmas explained that there was nothing more she could say, and led her from the witness chair.

Mr. Delmas then stated that the defense would call only two more witnesses—experts—who would be requested to answer a hypothetical question covering the entire case from beginning to end and embracing every fact which has the remotest bearing on the case.

The two alienists to be called are Drs. Hammond and Jeffrie.

Justice Fitzgerald announced that owing to a death in his family he would not hold court tomorrow. Adjournment was then taken until 10:30 a. m.

Dist. Atty. Jerome has applied to Comptroller Metz for an emergency appropriation of \$15,000 in special revenue bonds to pay the expenses of experts engaged by the state to testify to the sanity of Harry Thaw on the night he shot Stanford White.

In the trial of Albert T. Patrick for the murder of William Rice, the district attorney obtained more than \$50,000 to pay the expense of experts employed by the state.

PLANS OF THE DEFENSE.

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and I can hardly conceive that it is the purpose of the district attorney to attempt to discredit the witness."

JEROME VERY RESPECTFUL.

Mr. Jerome was profoundly respectful in his attitude toward the defendant's mother as he continued his cross-examination. He asked the witness if she would kindly state what her son's income was subsequent to June, 1903.

"I am not able to say exactly. It was certainly not what the newspapers have said."

"What the income from his father's estate?"

"It was from his own estate, inherited from his father."

Mrs. Thaw said she could not give any figures, but would say that the income was a "moderate one."

"When," asked Mr. Jerome in a low voice, did the defendant inform you of his relations with the young woman who became his wife?"

Mr. Delmas objected. He said the question of the defendant's relations with the young woman before she became his wife?

"He did not," said Mrs. Thaw, firmly.

"When your son returned to Pittsburgh in the fall of 1903," said Mr. Jerome, "he expressed a desire to you to marry Miss Nesbit?"

"He did."

"Did he ever express a fear that others would prevent her from accepting him?"

"He said she had told him it would be a very unsuitable match. I said if she came to me her past would be a closed book. The man's name was never mentioned in my presence."

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for a day and court will not sit today. On Friday, when court reconvenes and the defense will call more alienists, probably Dr. Graeme M. Hammond, and Dr. Smith E. Jeffrie, who have been in the courtroom practically every day since the trial began. Before the court adjourned yesterday, Mr. Delmas, leading counsel for the defense, stated that there would be but two more witnesses called. The attorneys will devote today to forming the hypothetical question which they will put to these experts. This question Mr. Delmas said last night, will cover every fact in the case. How long it will take Mr. Jerome to cross-examine these experts no one can tell. It will depend very largely on their attitude and their willingness to give direct answers. This decision makes it certain that a number of the witnesses who have been expected to testify for the defense will not be called, at least in the presentation of the direct case. Among these are Roger O'Meara, Thaw's Pittsburgh detective friend, and May McKenzie, Mrs. Evelyn Nesbit Thaw's chorus girl friend. Both may be called upon when the defense reaches the question of the defendant's insanity. It is probable that the defense will not allow her to do so even if they will be called even then.

The plans for the defense in regard to what Mrs. Thaw, the white-haired mother of the defendant, would testify to were changed. It had been announced that she would testify as to insanity in her family, but Mr. Delmas would not allow her to do so even after she asked in open court to be allowed to. This was probably due to the fact that the defense does not desire to pile up any more evidence of the taint of insanity in Thaw's blood. Mrs. Thaw's testimony as to the mental condition of her brother and other members of the family would do nothing but tend to show that the taint in the blood is one that would perhaps be permanent. The defense goes on the theory that Thaw was insane from early in 1903 until after June 25, 1906, but that after White, the man whom he believed to be responsible for the death of his wife, died, his mind rapidly became normal.

The defense has not yet introduced testimony to show that Thaw is sane today. It may do so by the experts who are to go on the stand Friday. The only evidence that has so far been introduced which tends to show that he is present sane, is Dr. Evans' testimony. That when he saw him at Tombs Oct. 3, his condition was greatly improved and that the improvement was of a progressive character.

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